

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*

Defendants.

05 SEP 22 AM 9:42

CLERK OF COURT

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 3: Rio Cebolla

Subfile No. CHCBP-003-0015B-SP

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and Defendants:

**DAVID E. ARCHULETA
LYDIA U. ARCHULETA**

("Defendants") concerning the Defendants' right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the State of New Mexico *ex rel.* State Engineer, the Defendants and the subject matter of this suit.
2. The State and the Defendants are in agreement concerning the Defendants' right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendants have approved and accepted the elements of Defendants' water rights as set forth in paragraph 4 herein.

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3. There is no just reason for delay for the entry of a final judgment as to elements of the claims of the Defendants adjudicated by this order.
4. The right of the Defendants to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

A. POND(S) (Surface Water Only):

Office of the State Engineer Files No(s): NONE

Priority: 1912

Source of Water: Surface water of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: LIVESTOCK WATERING

Point of Diversion:

Ditch: RINCON BLANCA

Location: X= 1,578,548 feet Y= 2,012,107 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Section 03, Township 26N, Range 04E, N.M.P.M.

Pt. NW¼ 1.1 acres

Total 1.1 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCBP-003-0015B-SP

Pond Depth: 1.4 feet

Pond Volume: 0.9 acre-feet

Dam Height: 5.3 feet

B. POND(S) (Surface Water Only):

Office of the State Engineer Files No(s): NONE

Priority: 1958

Source of Water: Surface water of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: LIVESTOCK WATERING

Point of Diversion:

Ditch: RINCON BLANCA

Location: X= 1,578,548 feet Y= 2,012,107 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Section 34, Township 27N, Range 04E, N.M.P.M.

Pt. SE $\frac{1}{4}$ 0.1 acres

Total 0.1 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCBP-003-0015B-SP

Pond Depth: 1.5 feet

Pond Volume: 0.1 acre-feet

Dam Height: 3.2 feet

C. POND(S) (Surface Water Only):

Office of the State Engineer Files No(s): NONE

Priority: 1958

Source of Water: Surface water of the Rito Cienega Redonda, a tributary of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: LIVESTOCK WATERING

Point of Diversion:

Ditch: RINCON BLANCA

Location: X= 1,578,548 feet Y= 2,012,107 feet
New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Section 34, Township 27N, Range 04E, N.M.P.M.

Pt. SE¼

0.3 acres

Total 0.3 acres

As shown on the attached Hydrographic Survey Map for Subfile No. CHCBP-003-0015B-SP

Pond Depth: 5.0 feet

Pond Volume: 0.9 acre-feet

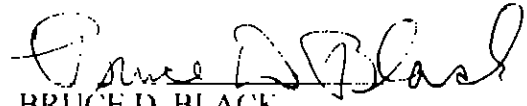
Dam Height: 6.1 feet

5. Defendants have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendants, his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein are adjudicated subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

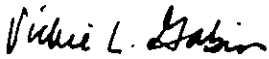
IT IS THEREFORE ORDERED that the rights of the Defendants to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

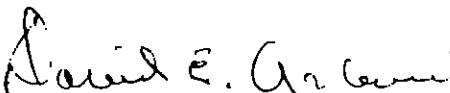
IT IS FURTHER ORDERED that the Court enters this Consent Order as a final judgment as to the elements of the Defendants' water rights set forth herein, subject to the right of other claimants

to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE


Approved:


VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED: 
DAVID E. ARCHULETA

ADDRESS: P.O. Box 217
Cibola, NM


DATE: 8-29-05

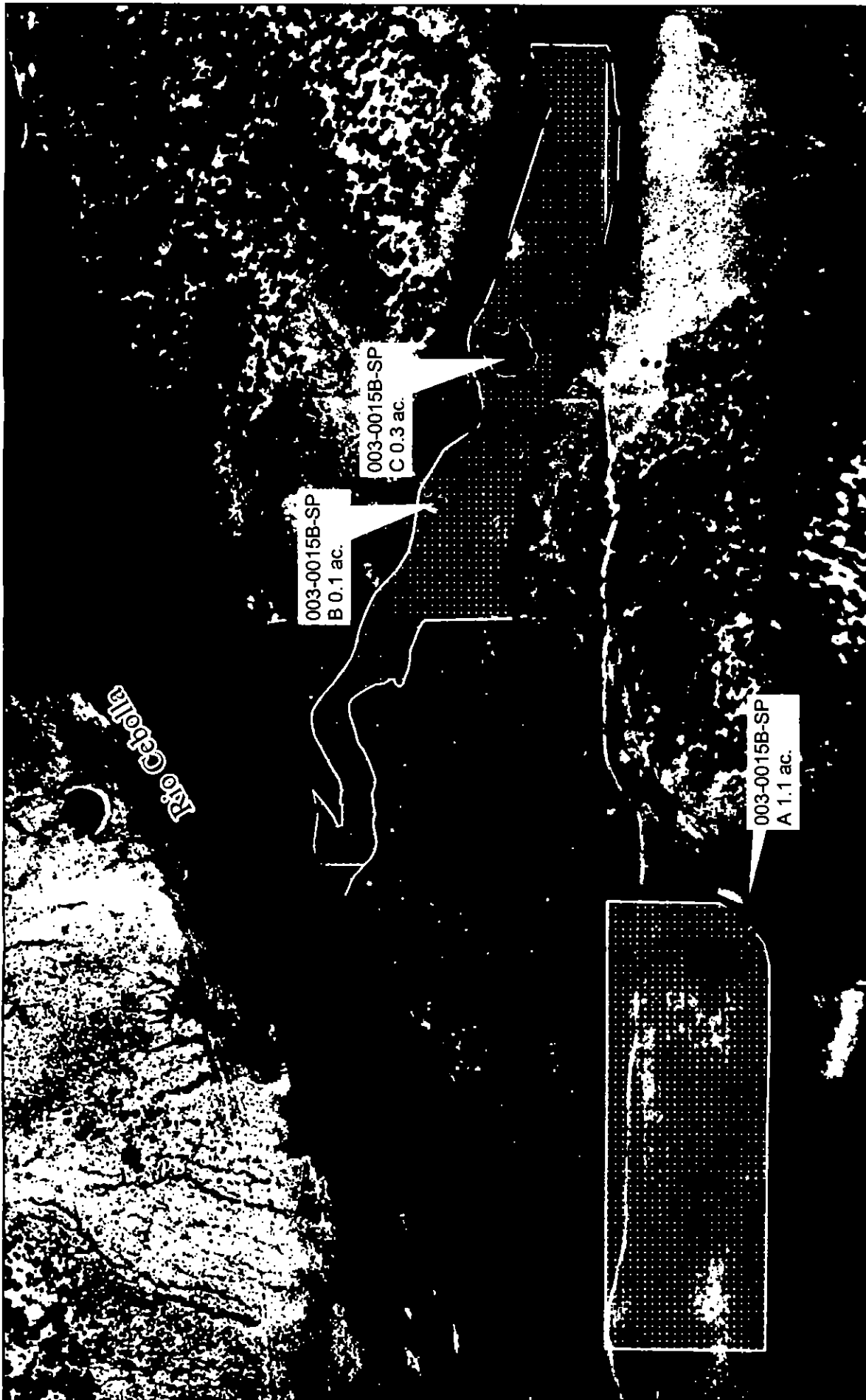

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ACCEPTED: 
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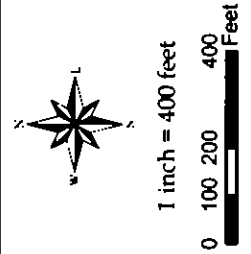
8-29-05


EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102



LEGEND

	Irrigated Tract Boundary		Point of Diversion
	No Black Tract Boundary		Well
	Scrub Area		Spring
	Operable Ditch		Fallow
	Inoperable Ditch		No Right
	Stock Ponds / Reservoir		



STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P.E.,
State Engineer

Rio Chama Hydrographic Survey
Rio Cebolla Section

Subfile Number
CHCBP 003-0015B-SP
Rincon Blanca Ditch
August 16, 2005